

FILED 37

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MAR - 8 1995

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BOARD OF PHARMACY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

Administrative Action

THOMAS CLANCY, R.P. :
LICENSE NO. 19664 :

CONSENT ORDER

TO PRACTICE PHARMACY IN THE :
STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Pharmacy upon the receipt of information that Thomas Clancy, R.P., diverted 15 pints of Tussionex and approximately 20 tablets of Valium, 5 mg., all Schedule IV Controlled Dangerous Substances, from the Mendham Apothecary for his own use during the period of September 1993 to January 1994.

On January 11, 1995 Thomas Clancy appeared before the Board with counsel and testified under oath in response to questions from the various Board members in attendance. Respondent submitted medical confirmation of a rheumatoid condition for which he had been taking anti-inflammatories. When the treating doctor advised him to discontinue the medication due to an increase in his liver function, he began to divert the controlled substances from his employer in an

attempt to self medicate for pain. Respondent has paid his employer \$1,100.00 as restitution for the medications he diverted.

Respondent is presently in the care of a rheumatologist, undergoes random urine screens, and has submitted a positive evaluation performed by a Board approved psychologist. He is presently employed as a pharmacist at Panther Valley Pharmacy in Hackettstown, New Jersey.

In consideration of the above testimony and documentation, and it further appearing that respondent wishes to resolve this matter without the necessity of further formal proceedings, and for good cause shown,

IT IS THEREFORE, ON THIS 8th DAY OF March, 1995,

ORDERED AND AGREED:

1. The license of Thomas Clancy, R.P. to practice pharmacy in the State of New Jersey is hereby suspended for one (1) year. All of said suspension shall be, and hereby is, stayed.

2. Respondent shall have his urine monitored at his own expense on a random, unannounced basis for the entire one (1) year period. Testing shall be performed one (1) time per week. The urine specimens shall be performed with direct witnessing by a Board approved monitor. The initial drug screen will utilize the EMIT technique by gas chromatographing/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation thereof.

3. The result of all tests shall be reported directly from the laboratory, to H. Lee Gladstein, Executive Director of the Board or his successor, or his designee in the event he is unavailable. The Board may at anytime alter or modify the manner of the testing directed herein. In the event of any such alteration or modification the Board

shall give timely notice of any new testing requirement to the respondent.

4. In the event respondent is unable to appear for a scheduled urine test due to illness or other impossibility, consent to waive that day's test must be secured from the Board office. The lab or monitor will not be authorized to provide consent. In addition, respondent must provide the Board with any written substantiation which may be obtained for his inability to appear, eg. physician's report.

5. Any failure to appear for a urine test for which consent is not secured from the Board and for which no written substantiation is furnished satisfactory to the Board within two (2) days of such failure to appear shall be grounds for activation of the suspension upon short notice.

6. Respondent hereby consents to the entry of an Order of Automatic Suspension of his license without notice upon the Board's receipt of a report of a confirmed positive urine.


7. Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event shall be limited to a showing that urine tested was not his or was a false positive in which case respondent shall have the burden of proving either contention.

8. Respondent shall not use or possess any controlled dangerous substances, except for bona fide medical purposes as deemed necessary by a physician or other authorized prescriber during the entire period

of stayed suspension. In such event, respondent is to serve notice to the Board in writing.

9. Respondent shall continue his psychotherapy on a biweekly basis throughout the duration of the stayed suspension, and shall cause his therapist to submit reports to the Board on a quarterly basis.

STATE BOARD OF PHARMACY

By: 
Sophie Heymann, R.P., President

I have read the above Order and
I understand its terms. I
consent to the entry of this Order
by the State Board of Pharmacy.


Thomas Clancy, R.P.